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**UNITED STATES DISTRICT COURT****EASTERN DISTRICT OF TEXAS**

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KEITH RUSSELL JUDD,

Plaintiff,

*versus*SECRETARY OF STATE OF TEXAS, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:08-CV-256

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Keith Russell Judd, proceeding *pro se*, filed the above-styled lawsuit. Plaintiff states he filed a lawsuit in the 250<sup>th</sup> District Court of Travis County, Texas. He states a defendant asserted a cross-complaint against him, which he now attempts to remove to this court.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this lawsuit be dismissed without prejudice.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the Report and Recommendation. The court must therefore conduct a *de novo* review of the objections in light of the pleadings and applicable law.

After careful consideration, the court is of the opinion plaintiff's objections are without merit. Based on the authorities cited in the Report and Recommendation, a plaintiff may not

remove an action from state court to federal court even if a cross-complaint is filed against him by a defendant.

**ORDER**

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this lawsuit.

SIGNED at Beaumont, Texas, this 19th day of February, 2009.

A handwritten signature in cursive script, reading "Marcia A. Crone".

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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE